

**North Carolina Wireless 911 Board
MINUTES
March 17, 2006**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
Carolyn Carter (NCLM)	Ron Adams ITS	Jim Blackburn, NCACC
Betty Dobson, (NCNENA)	Richard Bradford DOJ	David Dodd, Cleveland Co 911
Joe Durham (NCACC)	Richard Taylor ITS	Matt Hinkle, Intrado
Trey Greene (Cingular)	Leslie Tripp ITS	James Holloway, ECU
Belinda Gurkins (Sprint 911)		Lamerle Lee, Intrado
Leigh Horner (Sprint/Nextel)		Rex Minneman, NCSOS
David Keever (Alltel Wireless)		Steve Newton, Orange County EM
Steve Stoneman (ITS)		Tonya Pearce, NCNENA
Frank Thomason (NCAPCO)		Phillip Penny
Pamela Tope (Verizon Wireless)		Rob Robinson, Rowan Co 911
		Elaine Seeman, ECU
		Rebecca Troutman, NCACC
		Don Van Liew, Cingular
<u>Members Absent</u>	<u>Staff Absent</u>	
George Bakolia (NC CIO)		
Robert Cherry (Tarboro Police Chief)		
Allen Whitaker (Davie County Sheriff)		

Chair's Welcoming Remarks:

Before opening the meeting, Chairman Steve Stoneman recognized NC CIO George Bakolia, who awarded a plaque to past Board member Don Van Liew in recognition of his two terms of service to the NC Wireless 911 Board. Don thanked the Board, noting that he had enjoyed working with all its members. He added that he had always been impressed with the Board's professionalism, and that he thinks the Board has done a good job for the citizens of North Carolina. After the award, Chairman Stoneman called the meeting to order, wishing everyone a Happy St. Patrick's Day. He welcomed new Board member Trey Greene, replacing Don Van Liew for Cingular. He also noted that due to a full agenda, he would move staff reports to the end of the meeting. That would

prevent any Board members who might need to leave before the end of the meeting from missing any more of the substantive issues on the agenda than necessary.

Ethics Awareness/Conflict of Interest Statement:

Chairman Stoneman read the Conflict Of Interest Statement and asked if anyone had any conflicts. Frank Thomason noted that he had a conflict with Tab 6, "Request by Rowan County On Use of 911 Funds", and would recuse himself from any voting regarding that topic.

Approval of minutes

Chairman Stoneman asked for comments or corrections to the previous meeting minutes, and hearing none, asked for a motion to accept them as written. Joe Durham so moved, David Keever seconded, and the motion carried.

Report on Annual Wireless 911 Fund Audit

Eddie Burke, a partner with the firm Cherry, Bekaert, and Holland, L.L.P., Certified Public Accountants & Consultants, explained the audit of the Wireless Emergency Telephone System Fund as of June 30, 2005. Copies of the Financial Statement Audit Report for the Year Ended June 30, 2005 were previously provided to each Board member. Mr. Burke provided a high level summary of the audit, including how the State Auditor's Office had subcontracted the audit to Cherry, Bekaert, and Holland. He stated that the Fund did receive an unqualified opinion on the financial statements, the highest level of assurance that a CPA firm can provide. He thanked the Wireless 911 Board staff for their help in compiling the audit, noting that it is truly a team effort. He observed that it can be a very easy or very painful process, and that it was very easy "as far as the Fund is concerned." After Mr. Burke concluded his report, Chairman Stoneman recognized Leslie Tripp by observing "...an excellent job again. Thank you so much. Quite a track record you're building there."

Request by Rowan County on use of 911 Funds

Frank Thomason referred members to the copy of an e-mail from Rob Robinson to Richard Taylor in the agenda packet outlining an expense Rowan County wanted to pay using Wireless Fund money. The expense was incurred when telephone cables carrying 911 trunks were buried by BellSouth at the county's request. Frank and Rob reasoned that the cables hanging on telephone poles were vulnerable to damage that could render those 911 trunks inoperable. Frank stated that both he and Rob understood that "facilities involved in the 911 center and call receipt and processing that is on the PSAP side of the selective router is an area for consideration for approval of the use of wireless 911 funds." Because of that understanding, they submitted 40% of the cost of the cable burial, or \$8,000.00, as an expense in their wireless audit. Because such an expense did not clearly fit the statute in any way that staff or counsel could determine, the request was brought before the Board.

Joe Durham asked for clarification regarding why staff had been unable to make a determination. Richard Bradford said that the issue was whether the expense of burying 911 trunk cables falls within the language of the statute. He added that, as always, part of the charge to this Board is to interpret the statute, and that his job is to help advise the Board and defend its decision. He said that the discussion at the staff level was that in reading the language of the statute, staff did not see a clear indication that this kind of expense is included. So, it's up to the Board to look at the statute, consider the facts, and make a determination.

Joe Durham asked if it was not an expense associated with maintaining the equipment. Belinda Gurkins asked Frank and Rob if their expenses for trunking and so forth were absorbed in their ANI/ALI selective routing rate as far as network tariffs are concerned. Richard Taylor noted that local service wireline costs are referred to as tariff costs, and that tariff costs are an allowable expense, but burying the cable is not a tariff cost.

Betty Dobson indicated she felt it could fall under equipment maintenance, as Joe Durham had suggested. Richard Bradford replied that he did not think prior opinions from the AG's office defining "emergency telephone equipment" in 62-A would support extending that status to the trunks outside. In those opinions, the "emergency telephone equipment" was considered to be what was inside. He added that was where there is some latitude for the Board to interpret whether that was correct or not. That is subject to consideration by the Board and possible change.

Frank pointed out that while he certainly understands Richard Bradford's position, he would argue that the cable is a piece of equipment, as illustrated by the fact that without it, 911 phone calls would not even reach the equipment in the building. Richard Bradford said he would like to add that as a result of several petitions to the FCC, a decision was made that those items that fall on the PSAP side of the selective router are PSAP expenses, and that includes the software. He noted that the decision was made by the commission, if memory served him right, after the AG letters he referred to earlier.

Pam Tope asked how many miles typically separated selective routers from PSAPs, and Belinda Gurkins replied that it could be hundreds of miles. Pam then asked if the Board allowed this expenditure, would it not potentially open the door to paying for burying cables literally from the selective routers to PSAPs? Comments around the table conceded that was a possibility.

Chairman Stoneman called for a motion to either approve or deny the request. Pam Tope made a motion to decline the request. Carolyn Carter seconded. When the vote was called, the audible votes were too close to call. Chairman Stoneman asked for a hand count. Pam Tope, Carolyn Carter, David Keever, and Trey Greene voted aye, and Joe Durham, Leigh Horner, Belinda Gurkins, and Betty Dobson voted nay. Since the split was four to four, Chairman Stoneman cast the tie breaking vote in favor of the motion. The motion carried.

Report from oblique imaging subcommittee

Richard Taylor reported that oblique imaging subcommittee members discussed many issues at their last meeting, and he felt it had been a very productive exchange. A copy of the committee recommendation resulting from that exchange, and arrived at by unanimous decision, was included in the agenda packet. He mentioned that committee members had asked him how other states were addressing this issue, and he had included copies of replies from other states in the agenda packet. He then read the recommendation to the Board.

Chairman Stoneman noted that the subcommittee recommendation comes to the table as a motion not requiring a second, and that after discussion it would be put to a vote. He then opened discussion.

Betty Dobson brought Board members' attention to a letter e-mailed to them from NCNENA President Donna Wright on Thursday (March 16). Staff members had not received the e-mail, and requested copies from Betty at this time. In the letter President Wright, speaking for both NCNENA and NCAPCO, expressed concern that the subcommittee recommendation was too restrictive. A primary concern was the potential loss of GIS technician salary subsidization from the surcharge fund to PSAPs electing to use oblique imaging.

Frank Thomason indicated he felt that the joint memberships of NCNENA and NCAPCO were willing to accept the recommendation if the stipulation of paying for 100% of the chosen technology every four years were changed to paying for 50% of the technology every two years. Chairman Stoneman noted that if the Board were to entertain a substitute motion, it would require the subcommittee's approval, which would mean further delaying this process until the next Board meeting to allow the subcommittee to meet.

Joe Durham observed that the four year replacement cycle is only a guideline, not a requirement, and that if a PSAP could justify a shorter cycle, it could certainly be considered. He suggested leaving the motion as is, recognizing that the four year replacement is a guide, noting that while some PSAPs might justify updates in less than four years, others might not need them but once every six or seven years. Frank said that looking at it from that perspective he would agree, if the Board were willing to say it was a guide. His concern was that sometimes things that start out as a guide become very concrete. Joe replied that it is clearly written in the recommendation that it "...should be a guide, but not a restriction..."

Betty Dobson said that if the cycle were reduced to two years, the Board would probably have to consider fewer special requests due to extenuating circumstances. Joe reiterated that the language clearly states that the time frame is a guide, and as such offers more flexibility. Frank then said that if the Board consensus is that it is a guide, he would not have a problem with the motion as it stands from an NCAPCO perspective.

Guest Tonya Pearce, First VP of NCNENA, requested permission to speak, which Chairman Stoneman granted. She said she felt that the NCNENA and NCAPCO concerns were more about having to sacrifice one technology to have the other.

Chairman Stoneman called the motion. All Board members present except Frank Thomason and Betty Dobson voted for the motion. Frank and Betty voted against it. The motion carried.

Principles on Proposed 911 Legislation

Richard Taylor referred to the e-mail he sent everyone on the 14th listing principles proposed by wireline telephone industry representatives for consideration by the Joint Legislative Review Committee examining 911. He recognized that while they came from wireline, decisions made regarding them would almost certainly impact wireless. He wanted to share them with the Wireless Board so that he could more accurately report the Board's views on these topics when he is called to testify before the Joint Legislative Utility Review Committee. He pointed out that the principles do not represent proposed legislation, but are only principles proposed for discussion with the committee. He said that when called upon he wants to be able to confidently convey the Board's opinion on each of the principles. He added that when he sent the e-mail he asked Board members to share it with the groups they represent on the Board in the hope of getting feedback from those groups.

Joe Durham asked Richard to repeat where these principles came from, and Richard told him they came from wireline carriers. Richard then opened discussion with the first principle, which contemplates a capped, flat surcharge rate to achieve parity between wireline and wireless surcharges.

Joe Durham expressed concern that a uniform surcharge might adversely affect PSAPs such as Jones County. Carolyn Carter asked Richard if these principles came from a specific organization representing wireline carriers, to which he replied they had. Joe Durham asked the chair to confirm that these topics were just being discussed to generate feedback, that no final conclusions were going to be made at this meeting, that there would be other feedback, and asked if the Board was looking at proposing legislative changes. Chairman Stoneman repeated Richard Taylor's reasons for requesting Board input. Joe asked Richard Taylor if he was agreeable to receiving principles from other interested parties, and Richard indicated that he was absolutely agreeable to that. He stressed that his hope was that anything coming through the Board be shared in an open forum such as this one so that everyone can provide input. Joe then said, "But you're not expecting endorsement, approval, or concurrence with anything that's before us today." Richard replied, "I just want your thoughts." Joe continued by saying that until he had more information and time to study and consult with his constituents he would not be able to make any decisions about these matters.

Chairman Stoneman asked Richard Bradford to explain why these discussions had to take place in an open forum. Richard pointed out that as a public Board, if Richard (Taylor), speaking on behalf of the Board, goes to the legislature, he needs to be able to express any opinions or concerns that the Board has. So, as to the question of whether there is an endorsement here, that is not what Richard is needing to go represent. What he needs to go represent, rather, is whether the Board has any thoughts or concerns with respect to these issues. This does not preclude Board members from supplying additional information at a later time, and it's really just so that when Richard is called to go before the committee he can articulate Wireless Board concerns, not any type of

endorsement. The intent is to inform Richard so that he can speak accurately when he's asked.

Leigh Horner added that there will be other folks, as well, that come before the Board and ask its opinion. Joe said, "But at the same time you're asking—this is the Wireless Board, collectively—to weigh in on these principles. And I would like to see the group weigh in on these principles based on getting feedback from all different sources, not where we're at right now with just the carriers. That's very limiting to me as it relates to giving a comprehensive, diverse view of what legislative changes are proposed."

Chairman Stoneman pointed out that is exactly the kind of information Richard is looking for. Now he can share that concern with the Subcommittee.

Carolyn Carter expressed concern about the Wireless Board taking positions on wireline issues: that it's beyond the Board's purview. Richard Taylor reiterated that if part of what they're proposing affects this Board, and they're asking for our thoughts on what the impact would be, he didn't see any way around saying what our thoughts are. Belinda Gurkins asked that the effect a capped surcharge would have on PSAPs serving small populations be thoroughly examined. Richard agreed that was very important, and a great concern of his, as well.

Discussing the second principle, regarding creation of a single E-911 Service Board to collect and administer all surcharges, Richard noted that such a change would require more staff, and budgeting for that increased staff would have to be examined and adjusted, if necessary. Chairman Stoneman concurred that the current administrative allocation would need to be looked at from a business standpoint.

Richard observed that the third principle, expanding the current Wireless Board membership to include an equal number of wireline and wireless representatives in creating an E-911 Service Board, was a concern to him in that a potential exists to create too large a Board, which could become unwieldy. He said he would rather see a restructuring which would ensure no more than fifteen members on the Board. Leigh Horner underscored that whatever the composition, parity among interest groups represented on the Board would be essential.

Richard said the fourth principle, ensuring equitable and sufficient funding for all PSAPs, regardless of population served, reminded him of Jones County again, as Joe Durham had mentioned earlier. He stressed that this could be a large plus for small rural PSAPs, if properly administered. It could lead to much better functional parity among the "have" and the "have not" PSAPs. He added there is no "go to" person in North Carolina for 911, which is partly responsible for the disparities that currently exist. He said he felt this principle would be a good step toward ensuring that all PSAPs have at least a bare, basic minimum capability.

Carolyn Carter asked how PSAPs with high wireline surcharge amounts could receive enough money if a capped surcharge were applied. Richard said that's exactly what needs study, and suggested that perhaps a grant fund, like the one this Board proposed when working on last year's legislation, could be part of the solution. He added that he knows of other States that have grant funds called "rural county grant funds" in place to

serve smaller counties. Chairman Stoneman observed that in any case, regardless of size of county, there is certain “stuff” that absolutely has to be purchased, and that this principle could ensure that all counties receive those essentials. Richard Taylor added there needs to be a basic minimum standard established for what’s required to provide 911 services in North Carolina.

David Kever asked Richard if the intent is to put both wireline and wireless money in one fund, and Richard said that is the impression he’s getting from these principles. Richard Bradford then asked him to elaborate on what the FCC’s view of State contacts should be. Richard Taylor replied that the FCC has mandated that each State have a “go to” person for 911. He has been appointed as North Carolina’s contact, but his responsibilities are to wireless, and he is very limited in what he can do on the wireline side because of the way the 911 system is set up in North Carolina. He added that a central authority is not a “power thing”, as some people seem to think, but a “common sense thing.”

Carolyn Carter said she felt item four was in conflict with item one, and wanted to make that observation. She added that she also has concerns about the two funds being merged. Chairman Stoneman asked what some of her particular concerns were. She said she thinks there are different needs for providing wireline 911 service and wireless 911 service, and the wireless surcharge was to be on the wireless side and the wireline on the wireline side, and if we merge the two, it seems like we lose some accountability.

Richard Taylor pointed out that the reason we have a shared resource allocator is because of costs being applicable to both services, that both services are virtually running parallel right now. He observed that the allocator is now at 50%, and asked what happens when it becomes 60% or higher? He surmised that in trying to keep the funding equitable, it may be necessary to merge them. He cited the example that VoIP is a huge market that is not contributing to either fund, and that a new funding model is necessary to capture that. Pam Tope noted that as wireline revenues decrease due to market shifts to wireless or VoIP, unless a new funding model is created, wireless customers could end up carrying the majority of the funding burden.

Reviewing item five, collection of 911 surcharges from VoIP providers, Richard drew attention to the language “any service provider accessing the 911 network” instead of “subscriber”. He pointed out that would capture not only VoIP, but also any potential ways of using 911 that may still be over the horizon. He added that at this point, even if a VoIP provider is willing to pay the surcharge, there is no mechanism in place to accept it.

Richard reminded Board members of the “training” topic that was such a hot item during last year’s legislative session, and that item six is one way to approach it.

Comprehensive statewide wireless enhanced 911 plan RFI

Richard Taylor reviewed the discussion which encompassed this topic at the last meeting. He referred Board members to the RFI copy in the agenda packet. Chairman Stoneman said he felt the May 3 due date was too far away, and he had asked procurement to move it up ten days. Carolyn Carter asked if the RFI would be posted to

the web or just sent to certain entities, and Richard replied that it will be posted to the web, and that he has been encouraging any organization that has expressed an interest in participating to do so. Chairman Stoneman also told all present that if they knew of anyone who might be interested to give them a “heads up.” He added that he hopes we will be able to have a draft RFP crafted from the responses and circulated to the Board prior to the next meeting so it can be discussed at that meeting.

Request from Wilson County Communications to fund a back-up 911 Center

Richard Taylor called attention to the Wilson County letter in the agenda packet, and reminded everyone that funding back-up centers has not been approved in the past. The rationale has been that the legislation restricts funding to primary PSAPs, not secondary PSAPs, and that back-up centers have been considered secondary PSAPs. Since Wilson County has once again posed that question, and since Richard anticipates similar requests in the near future, he has brought their request to the Board for input from the Board.

David Kever made the distinction that a back-up center is not necessarily a secondary PSAP, but could instead be only an alternate primary PSAP, and asked how that plays into the question. Richard Taylor pointed out that while that might be so for Wilson County, counties with multiple PSAPs frequently designate secondary PSAPs as back-ups for the primary PSAP in the event it goes down, which muddies the water even more. Chairman Stoneman asked if we’re getting back to the definition of “necessary” expenses incurred by a primary PSAP.

Richard Bradford brought attention to the language in the legislation passed last year defining a “primary PSAP” as the first point of reception of a 911 call. He observed that may not help since we’re addressing a temporary situation, so perhaps the question is how do we address a temporary situation? Is there some funding, or allocation, or reserve that should be used for that purpose? David Kever interpreted that as meaning when “it becomes a primary,” but Richard Bradford pointed out it never “becomes a primary” because it is there only for temporary use. So should the Board approve some kind of funding for that temporary use, recognizing the need for it or something? Richard said he thinks that’s a policy decision for the Board.

Chairman Stoneman asked if this meant allowing funding to pay for expenses incurred when a back-up center is activated. Carolyn Carter said she expected the request was to pay for a CAD system, phone system, etc. Richard Taylor agreed, saying they (Wilson County) wanted to be able to purchase all the equipment and software necessary to allow the back-up center to function just like the original primary PSAP when activated. Carolyn added that it is certainly a critical need for maintaining continuity of 911 service, so she didn’t want to reject it out of hand.

Chairman Stoneman then observed that the question is to what extent do you go to obtain the resiliency you need? You could simply have redundant UPS systems or you could build an entire center. Leigh Horner asked if PSAPs requesting this kind of expenditure have explored mutual aid agreements with surrounding counties to help each other in time of need. She offered that using existing resources rather than building separate sites is something she would consider a more cost effective approach.

Chairman Stoneman noted that one of the benefits to having a statewide network would be having something in place for just such an event, something any PSAP could switch to. He expressed concern about the ramifications of having every single site building a back-up.

Richard Taylor pointed out that back-up centers within the same jurisdiction could be lost to the same event that takes down the primary PSAP, as was illustrated with hurricane Katrina's devastation last year. Pam Tope asked how secondary PSAPs acquire funding now, if they got it from the primary PSAPs. Richard said that it would come from the city or county's general fund, that wireless funds could not be funneled through a primary PSAP to a secondary PSAP. Pam speculated that if we did allow of wireless funds for back-up centers, primary PSAPs could push funds to secondary PSAPs that they would not ordinarily have access to, relieving the burden of funding from the general fund.

Chairman Stoneman reiterated that this is a question of where to draw the line, that it could be anywhere between having a UPS and having a complete, second center. Belinda Gurkins observed that in her region, back-up systems run the gamut from two unenhanced phone lines to duplicate centers complete with ANI/ALI, CAD, and everything available in the primary PSAP. Richard Taylor added that if we take the step to fund "back-up centers", how are we going to define "back-up center"? There is a huge potential difference in funding.

Chairman Stoneman suggested that we form another subcommittee to examine how much resiliency we are willing to support. Leigh Horner asked if this wouldn't be an appropriate topic to be addressed by the statewide plan we are circulating the RFI for. Chairman Stoneman said he thought that would be very appropriate, possibly setting up a couple of back-up sites to serve any PSAP across a managed network. Richard Taylor asked for volunteers to serve on the subcommittee.

Chairman Stoneman closed discussion asking Richard to respond to Wilson County that a decision has not yet been made, and outlining the steps being taken to address the issue.

Status of Phase I and Phase II Wireless 911 in North Carolina

Ron Adams reported continued progress in the few remaining Phase 1 deployments, and offered to answer questions if there were any. He also pointed out the list of PSAPs that have not yet requested Phase II service. Chairman Stoneman asked him to provide the top three reasons cited by those counties for not making those requests at the next meeting.

Administrative Reports

Leslie Tripp reported that she is still in the middle of the 2005 audit, and has heard from all but one county, which has been sent a certified letter. Leigh Horner asked about the status of withholding funds from Burke County, and Leslie said they are still being withheld because the 2004 audit is still not complete.

Executive Director's Field Report

Richard Taylor reported that the funding seminars are still progressing, with only four more regions to go. He attended the opening of the new Bertie County PSAP, and was pleased to see the progress they have made with CAD, GIS, a new phone system, etc. He also attended a North Carolina GICC Board meeting in Raleigh, a NASNA meeting in Washington DC, and the 911 Goes to Washington seminar in Washington DC, where he met with FCC Commissioners Copps and Adelstein and the Chairman's staff. He was pleased to report that a young lady from Channel 9 in Greenville received the 911 Institute Media Award for her reporting on 911 deployments in some of our eastern counties. He also attended the NCNENA/APCO Chapter meeting in Edenton.

Trainer's Field Report

Ron Adams summarized his activities since the last meeting, including accompanying Richard to the funding seminars, teaching Wireless 911 for Telecommunicator classes, helping Leslie with the 2005 audits, and working on a training video to put on the website. Chairman Stoneman asked if the Board could see the training video progress at the next meeting, and Richard said that although they had received a "not ready for prime time" copy of it yesterday, they were still working on it.

Ron noted that he had added attendance numbers to the color coding on the class penetration map, and Chairman Stoneman asked if he had a feel for why the counties who have not sent anyone to class to date were not taking advantage of the training. Ron replied that he did not have a feel for that, but would continue to target those counties. Richard added that sometimes it simply comes down to counties not being able to afford to compensate their people to attend the training, despite the training being free. Chairman Stoneman then speculated that maybe the web based training could reach those counties.

Adjourn

Chairman Stoneman asked if there was any other business, and hearing none asked for a motion to adjourn. David Keever so moved, Leigh Horner seconded, and the motion carried.